



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,179	07/19/2000	Dimitri Kanevsky	YO999-468	1031
7590	12/23/2003		EXAMINER	
Paul D Greeley Esq Ohlandt Greeley Ruggiero & Perle LLP One Landmark Square 9th floor Stamford, CT 06901-2682			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2174	
			DATE MAILED: 12/23/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/619,179	KANEVSKY ET AL.
	Examiner	Art Unit
	Truc T Chuong	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 44-53 and 58-61 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 44-53 and 58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 59-61 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to Amendment B, filed 07/15/03.
2. Claims 44-53, 58-61 are pending in this application. Claims 44 and 59 are independent claims. In Amendment B, claims 44, 47, 48, 52, and 53 are amended, claims 54-57 are cancelled, and claims 58-61 are new claims.

***Election/Restrictions***

3. Newly submitted claims 59-61 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 44-53, and 58, drawn to priority or overlap change, classified in class 345, subclass 794.
- II. Newly submitted claims 59-61, drawn to navigation within structure, classified in class 345, subclass 854.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 59-61 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2174

5. Claims 44-53, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "relevance" in claims 44 and 58 is a relative term which renders the claim indefinite. The term "relevance" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

All dependent claims are also rejected because of their dependency.

6. Claim 52 recites the limitation "said task bar" at line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 44-53, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Nigawara et al. (U.S. Patent No. 5,353,400).

As to claim 44, Nigawara teaches a method for automatic control of window viewing, comprising:

determining a priority based on a relevance for each window of a set of windows that are arranged so that said windows overlap one another on a graphical user interface (col. 2 line 39-

Art Unit: 2174

col. 3 line 23, and priority processing to determine screens to select, col. 5 line 39-col. 6 line 47); and

automatically re-arranging said windows so that said windows overlap one another in order of said priority on said graphical user interface (overlapping, col. 6 lines 7-25).

As to claim 45, Nigawara teaches the method according to claim 44, further comprising:

automatically sizing said windows on said graphical user interface according to said priority (Magnification, col. 3 lines 15-17).

As to claim 46, Nigawara teaches the method according to claim 44, further comprising:

automatically positioning said windows on said graphical user interface according to said priority (Enlarging of desired information, col. 7 lines 23-25, and Adjustment of display area, col. 8 lines 8-26).

As to claim 47, Nigawara teaches the method according to claim 44, wherein said windows are automatically re-arranged only when a redrawing function is selected by a user (periodic changes, col. 3 lines 18-41).

As to claim 48, Nigawara teaches the method according to claim 44, further comprising:

storing said first opened time, said last opened time, said contents, said percent visibility, said scrolling amount, and said access amount for each window (store information, col. 5 lines 39-67).

As to claim 49, Nigawara teaches the method according to claim 44, further comprising: automatically displaying for said window in a color according to said priority on said graphical user interface (coloring of desired information, col. 7 lines 15-22).

As to claim 50, Nigawara teaches the method according to claim 44, wherein contents of said window is determined by latent semantic indexing (The display device can take note of the screen displayed when that screen is displayed automatically, col. 5 lines 46-67).

As to claim 51, Nigawara teaches the method according to claim 44, wherein contents of said window is determined by a content label assigned by a user (different types, col. 2 line 39- col. 3 line 41).

As to claim 52, Nigawara teaches the method according to claim 44, further comprising: automatically re-arranging icons so that said icons overlap one another in order of said priority in said task bar on said graphical user interface (figs. 10 and 11).

As to claim 53, Nigawara teaches the method according to claim 44, further comprising: automatically arranging icons so that said icons overlap one another in order of said priority on a desktop on said graphical user interface (multiwindow/multiscreen, col. 8 lines 47-67).

As to claim 58, Nigawara teaches the method according to claim 44, wherein said relevance is based on criteria selected from the group consisting of: each of a set of windows based on a first opened time for said window, a last opened time for said window, a current time, contents of said window, a percent visibility of said window, a scrolling amount for said window, and an access amount for said window (col. 10 lines 44-67).

#### *Response to Arguments*

9. Applicant's arguments with respect to claims 44-53, and 58 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Homma et al. (U.S. Patent No. 4,783,648) teach multiwindow system, overlapping, priority, and re-arranging (cols. 1-8 and figs. 1-8).

Gelsinger et al. (U.S. Patent No. 5,892,511) teach selection, listing windows, overlap, and priority (cols. 2-12 and figs. 1-8).

Bailey et al. (U.S. Patent No. 6,473,103 B1) teach priority, windows, display, and layout (cols. 1-5 and figs. 1-2).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong  
12/12/03

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100